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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,959	10/30/2003	Craig C. Hodges	00020.08CON	8482
37485 7590 03/27/2007 SWANSON & BRATSCUN, L.L.C 1745 SHEA CENTER DRIVE, SUITE 330 HIGHLANDS RANCH, CO 80129			EXAMINER HAGHIGHATIAN, MINA	
			ART UNIT 1616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/696,959

Applicant(s)

HODGES ET AL.

Examiner

Mina Haghighatian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Receipt is acknowledged of the Amendments and Remarks filed on 01/03/07.

Claims 1-3 and 5-6 have been amended, claims 8-9 have been cancelled and new claims 18-39 have been added. Accordingly claims **1-7 and 10-39** are pending.

NOTE: Claims 1, 6, 11, 16, 22, 26, 32 and 37 contain a concentration range that is not disclosed in the specification. Claims 1 and 22 recite "less than 0.1 micron". While specification contains the concentration ranges of "less than 1 micron" and "10 to 100 nm", there is no support for "less than 0.1 mciron". Analogously, the ranges of "less than 10 microns" in claims 6 and 26, the range of "less than 2 second" in claims 11 and 32, and the range of "less than 2" in claims 16 and 37 have no support in the specification. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejections of U.S. Patent Nos. 6776978, 6716417, 6797259, 6740309, 6743415, 6737042, 6814955, 6805854, 6716415, 6803031, 6759029, 6737043, 6740308, 6740307, 6716416, 6783753, 6780400, 6780399, 6805853 and 6814954 are maintained.

The provisional nonstatutory double patenting rejections of copending Application Nos. 10/815527, 10/816492, 10/768220, 10/766574, 10/813721, 10/767115, 10/816567, 10/766279, 10/766641, 10/814998, 10/718982, 10/769157, 10/769197,

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10/769051, 10/768205, 10/766149, 10/792013, 10/792012, 10/766634, 10/766566, 10/768293, 10/791915 and 10/775586 are maintained.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

Applicant's arguments filed 01/03/07, with respect to rejection of claims 1-17 under 35USC § 103(a) have been fully considered and are persuasive. The said rejections has been withdrawn.

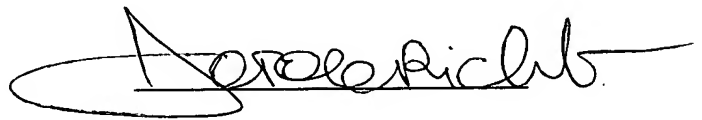
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mina Haghighatian whose telephone number is 571-272-0615. The examiner can normally be reached on core office hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mina Haghighatian
Patent Examiner
March 21, 2007

A handwritten signature in black ink, appearing to read "Johann Richter", with a large, loopy flourish at the end.

Johann Richter, P.hD, Esq.
Supervisory Patent Examiner
Technology Center 1600